



ACC

ANTI-CORRUPTION
COMMISSION

CAYMAN ISLANDS

Annual Report

1 July 2023 – 30 June 2024

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Statement from the Chairman

This statement, in fact this report as a whole, is somewhat unusual because although written by me as current chairman of the Anti-Corruption Commission (the “ACC” or the “Commission”), it relates to a period (1st July 2023 to 30th June 2024 (the “Reporting Period”)) which entirely predated my appointment during which the chairman was Adrian (Gus) Pope, who has since come to the end of his term.

For that reason I have asked Mr. Pope to sign this report alongside the current members of the ACC to signify his agreement with it, even though he is no longer a member.

The question of synchronising appointments and terminations of members and chairs of the ACC is currently being reviewed with the Governor’s office so that anomalies like this might be mitigated in future.

There follow some overall observations:

- In his report last year, Mr. Pope referred to the conviction of Mr Canover Watson in October 2022 for various offenses under our anti-corruption and related legislation. Mr. Pope remarked that the ACC actively pursues confiscation of assets which are the proceeds of criminal conduct, and that while its aim in doing so is to prevent criminals from enjoying the fruits of their crime, it also demonstrates the jurisdiction’s commitment to the principle of confiscation of assets in the relevant circumstances.

That said, while Mr Watson was sentenced to a custodial sentence, the confiscation aspect of his case remains outstanding. In fact a previous confiscation order, imposed as far back as 2018 by the Grand Court following his conviction in what became known as the “CarePay” case, together with resultant forfeiture orders of his assets, have still not been enforced after six years.

While convictions and sentences are of course vital parts of the prosecutorial process, ancillary matters such as forfeiture of assets are of equal importance; not least, as Mr. Pope mentions, to demonstrate the jurisdiction’s determination to apply the full force of the law against them when they were acquired from corruption.

The ACC therefore urges the relevant prosecutorial and judicial authorities to pursue these and all other such ancillary steps with the same expedition as they did the substantive prosecution.

- During the Reporting Period the ACC undertook ten investigations, which have reached varying stages of completion. Features of those investigations include the following:
 - five persons are currently on bail, either to the Grand Court awaiting trial or sentencing or to the ACC itself pending the outcome of its investigations; and
 - one person is currently awaiting the outcome of a charge ruling decision by the office of the director of public prosecutions (the “ODPP”).

- As has been stressed in prior annual reports, much work is undertaken by the ACC and its investigators which does not lead to charges or prosecutions and is therefore largely unseen and uncredited. During the course of the Reporting Period, the ACC has investigated various serious allegations made against a number of persons, some of whom have been in positions of considerable trust, which have led to their exoneration and no further action being taken. This once again demonstrates the ACC’s commitment to conducting open-minded and fair investigations, the purpose of which is to either prove or disprove allegations.

- The accusation is sometimes made that the ACC prefers to pursue prosecutions against “low-hanging fruit” rather than perceived or rumored corruption at higher levels. The ACC rejects that accusation. It investigates every complaint it receives, including those made against persons in high positions of public trust, without partiality. But accusations of corruption, like any other crime, must be supported by evidence which is strong enough to succeed in court. Baseless rumors and allegations, or those made without sufficient evidence, will not reach the charging stage, let alone court.

So complaints to the ACC against anyone, whether or not perceived as “low-hanging fruit”, must either be accompanied by sufficient evidence of the corrupt act complained of or at least provide the ACC investigators with the necessary means to track down and obtain such evidence.

- The ACC is entitled to begin investigations of its own volition. But again, it will do so only if it has the necessary grounds to do so; and without such grounds will not do so merely on the basis of rumor or public outcry.

- On a more positive note, many of the more administrative issues referred to in the last report have been resolved, as discussed in more detail in the body of this report.

- For their dedication and hard work, thanks, as ever, are due to the ACC investigators and the other staff of the Commissions Secretariat (the “Secretariat”). The support of other agencies and public offices, in particular the ODPP are equally appreciated.

- Repeating the words of my predecessors (which I cannot improve upon), I must thank my fellow ACC members. They are volunteers who give up a considerable amount of their time to serve the greater good of the Cayman Islands. Too often, armchair critics belittle those on boards and commissions as members of a self-perpetuating club, enjoying a sinecure. Membership of the ACC is no sinecure, if only because, apart from a nominal stipend, it is unpaid, and its members work very hard indeed. So certainly in the case of the ACC, and in my personal view all the other constitutional and statutory commissions, this accusation could not be further from the truth.

Finally, my personal thanks to Mr. Pope himself for the huge efforts he put into the ACC, including regularising several aspects of its administration in addition to coordinating with its investigative side and chairing its meetings.

Charles Jennings
Chairman, Anti-Corruption Commission

Section One – The Anti-Corruption Commission (“the ACC” or the “Commission”)

1.1 Role

The Commission was created under the Anti-Corruption Act, 2008, which came into effect on 1 January 2010. The Commission is responsible for the administration of the Act, now the Anti-Corruption Act (2024 Revision) (as amended), and is a law enforcement agency in the Cayman Islands.

1.2 Anti-Corruption Act (2024 Revision) (as amended) (the “Act”)

The Act gives effect to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to the United Nations Convention Against Corruption (which was extended to the Cayman Islands in 2020). It covers a broad range of local corruption offences by public officials and private individuals and entities, and extends to bribery of foreign public officials outside the Cayman Islands. Offences under the Act are extraditable.

1.3 Mission Statement

The mission of the Commission is "To enhance the stability, prosperity and reputation of the Cayman Islands by sustaining the confidence and trust of the community in the integrity and good governance of its government and public institutions through fighting corruption with just, fair and effective investigations."

1.4 Commission Members

The Commission consists of not less than five persons who, in the opinion of the Governor, are of high integrity and are able to exercise competence, diligence and sound judgement in fulfilling their responsibilities under the Act. Members must be residents of the Islands and may include:

- a) retired judges of the Grand Court or the Court of Appeal;
- b) retired police officers;
- c) retired justices of the peace or magistrates;
- d) chartered or certified accountants;
- e) attorneys-at-law of ten or more years call or retired attorneys-at-law; and
- f) such other persons as the Governor considers qualified to be appointed.

No person may be appointed to hold office as a member of the Commission if s/he is a public officer or such other category of person as may be prescribed by Order of the Governor. The names of all members of the Commission are gazetted at the time of appointment, and the Governor, after consultation with the Attorney General, may at any time revoke the membership of a member.

The names of the members of the Commission during the reporting period and at the date of submission of this Annual Report are set forth in Appendix 1.

1.5 Principal powers, duties and functions

The Commission is responsible for the administration of the Act and shall:

- receive and consider reports to the Commission of the alleged or suspected commission of a corruption offence as set out in the Act and investigate such reports where the Commission has reason to suspect the commission of an offence or an attempt or conspiracy to commit an offence;
- receive (including from overseas anti-corruption agencies) and request, analyse and disseminate disclosures of information concerning corruption offences, or suspected offences; or required by any law in order to counter corruption; and
- detect and investigate suspected corruption offences or attempts to commit an offence, or conspiracies to commit an offence.

1.6 Additional powers, duties and functions

- Arrest and search any person who has committed or is suspected of having committed a corruption offence.
- Obtain evidence by search warrants with court approval.
- Freeze assets and confiscate proceeds of corruption offences with court approval.
- Refer the results of its investigations to the Director of Public Prosecutions for disposition where it appears an offence has been committed.
- Assist with overseas investigations.
- Enter into assistance arrangements with overseas anti-corruption agencies with the consent of the Attorney General.
- Enter into assistance arrangements with any local law enforcement authority, or local body, for the discharge of performance of its powers, duties and functions.
- Advise the Governor on the Commission’s work.
- Submit an annual report to the Governor.

1.7 Control, Oversight, and Policy Directions

The Governor has broad powers of oversight over the work of the Commission and may direct the Commission on the policy to be followed in the exercise and performance of its functions. To date, the Governor has not issued any such directions.

The Commission may issue guidelines setting out:

- the forms and procedures for making a report of a corruption offence; and
- the operational procedures in connection with disclosures made to the Commission.

The Commission has issued a reporting form and guidelines on the procedures. These can be found on the Commission’s website: www.anticorruptioncommission.ky.

Section Two – Breaches of the Act

2.1 General Overview

The Commission receives reports of alleged breaches under the Act through direct communication to the Commission; requests for mutual assistance from overseas; and those reported to other law enforcement agencies and referred to the Commission. In each case, the allegation is fully recorded and a decision taken as to what, if any, further investigation or action is appropriate.

In addition, the Commission may in certain circumstances begin an investigation of its own volition.

Each allegation is assessed on its own merits. No prosecution is undertaken without the express authority of the Director of Public Prosecutions in accordance with the Act.

2.2 Corruption Offences in the Cayman Islands

Corruption can be described as abusing a position of trust to gain an undue advantage, e.g. where decisions are not taken for public benefit but rather to serve private interests.

Examples of corrupt behaviour are:

- A Public Officer (PO) or Member of Parliament (MP) uses, or tries to use, knowledge, power or resources which they have gained as a result of their position for personal gain or for the advantage of others;
- A PO or MP uses, or tries to use, their position to interfere with justice, to commit an offence or to prevent an offence being detected or punished;
- A PO or MP acts dishonestly or unfairly, or breaches the trust of the public or abuses their office;
- A member of the public influences, or tries to influence, a PO, MP or foreign PO or foreign equivalent of an MP to use his or her position in a way that is dishonest, unfair or breaches public trust.

2.3 Offences under the Act

The principal offences are set out in Appendix 2.

Section Three – Reporting Corruption

3.1 Making a Report/Complaint

Anyone who reasonably believes or suspects that there has been an act of corruption in breach of the Act should complete and submit a Report/Complaint Form to the Commission. Reports/Complaints should be made as soon as reasonably practicable after becoming aware of the conduct in question.

3.2 Duty to Report

Individuals should be aware of the principles that guide the performance of public officers in the conduct of their duties. Public officers may incur criminal liability for corruption as follows:

- **Those directly involved:** A person who is directly involved in committing a corruption offence may be liable for the offence.
- **Those indirectly involved:** A person may be liable for a corruption offence where s/he is indirectly involved in committing the offence.
- **Failure to act:** An individual may be liable for a corruption offence even where s/he was not directly involved in committing the offence, but was wilfully blind to it.
- **Aiding and abetting:** An individual may also be liable for aiding and abetting where he has aided or assisted in the committing of the offence.

3.3 Submission of Reports/Complaints

To report an alleged act of corruption:

1. Complete the Report/Complaint Form available on the Commission's website: www.anticorruptioncommission.ky
2. Submit the completed Report/Complaint Form via email to the Commission's email address: info@anticorruptioncommission.ky

In cases where the complainant considers the alleged act of corruption to be urgent, direct contact should be made with the Senior Investigating Officer (the "SIO") to expedite the report process. To arrange a meeting with the SIO:

Call: +1 (345) 244-3685

E-mail: Richard.Oliver@gov.ky

Visit the Office in-Person: 4th Floor George Town Financial Center, #90 Fort Street, George Town, Grand Cayman, KY1-1106

Should any member of the Commission receive a report/complaint, it will be forwarded to the SIO. Members of the public making reports/complaints are encouraged to use the Report/Complaint

Form whenever possible. The SIO or any member of the Commission receiving a verbal report/complaint by telephone call or otherwise should also complete the Report/Complaint Form (or a functionally equivalent written document containing all material facts) for submission to the Commission.

3.4 Conflicts of Interest

The work of the Commission will not be compromised or affected by any personal interest of Members or staff. The public interest comes first on all such occasions. Conflicts of interest, or the perception that they have arisen or may arise, can do great damage to the reputation of the Commission and its staff. Members and staff must declare to the Commission any conflicts or potential conflicts of interest immediately. The Commission has appropriate procedures for dealing with any such conflicts. In the event of any conflict of interest or perceived conflict of interest, the relevant Member or staff will recuse himself/herself from all consideration of the matter in question and shall not be entitled to any information regarding the disposition of the matter by the Commission.

3.5 Policies and Procedures

The Commission adopted a new Policies and Procedures Manual in January 2024. It is available on the Commission's website.

3.6 Code of Conduct

Members commit to uphold, promote and undertake to be bound by seven core principles, known as the Nolan Principles, which form the basis of a universal standard of good governance. Members also submit annual declarations of interest as required under the Standards in Public Life Act.

3.7 Protection of Providers of Information

As far as legally possible, the Commission will make every effort to protect, the identities of those providing information to the Commission. The Commission will encourage a caller, if the information is to be taken verbally, to identify him/herself and provide contact details as it may be necessary in the future to seek additional information or clarification of information received. Information provided by a caller in such a manner will be submitted to the Commission in a Report/Complaint Form completed by the SIO. Additionally, the Commission will vigorously support, encourage and protect witnesses, including, where necessary, by prosecuting persons who make threats against them.

3.8 Records

The Commission will keep records of all aspects of an investigation. Such records will be kept confidential, except when otherwise required or permitted by law or any competent court.

3.9 Referrals to the Director of Public Prosecutions

The Commission will refer the results of its investigations to the Director of Public Prosecutions for disposition where it appears that behaviour amounting to an offence under the Act, or any other offence, has been committed. This will include all relevant information and evidence known to the investigators.

Section Four – 2023 – 2024 Corruption Statistics

While the Commission has a duty to safeguard the confidentiality and integrity of information, to respect the rights of individuals and not to prejudice investigations/proceedings, that duty will be balanced against the duty to be open and transparent wherever reasonably possible.

The policy of the Commission is compliant with the recommendations of the Leveson Inquiry. It is the policy of the Commission not to release the names of persons who are arrested, unless there are exceptional circumstances, e.g.:-

- threat to life;
- prevention or detection of crime; or
- a matter of significant public interest.

At the time of arrest, the Commission will normally provide the following non-identifiable information about persons arrested:-

- age;
- gender;
- resident district;
- offence(s); and
- whether or not the individual is a public official.

For example, “a 48-year-old male, who is a public official, from the district of George Town has been arrested on suspicion of bribery, fraud and money laundering”.

It is the policy of the Commission to name persons once criminal proceedings have been instituted before the Court. The following information will be released about an adult, providing there are no applicable legal restrictions:-

- name;
- occupation;
- resident district; and
- charge details.

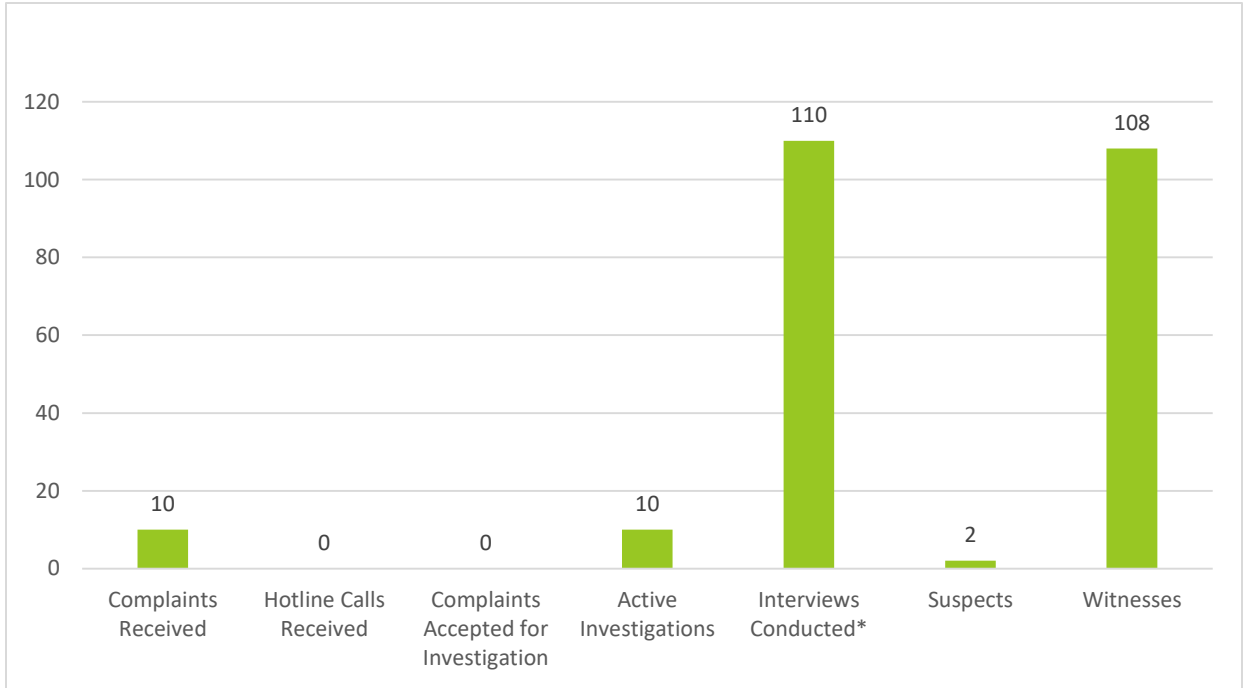
For example, “Ms. XYZ, Consultant, from the district of Bodden Town, has been charged with bribery, fraud and money laundering”.

A general statement on the ACC’s policy on public comments regarding investigations can be found on the Commission’s website.

These policies of general application will always be subject to the specifics of each matter and overall public interest.

Summary of Cases 2023 – 2024

Complaints, Investigations and Interviews

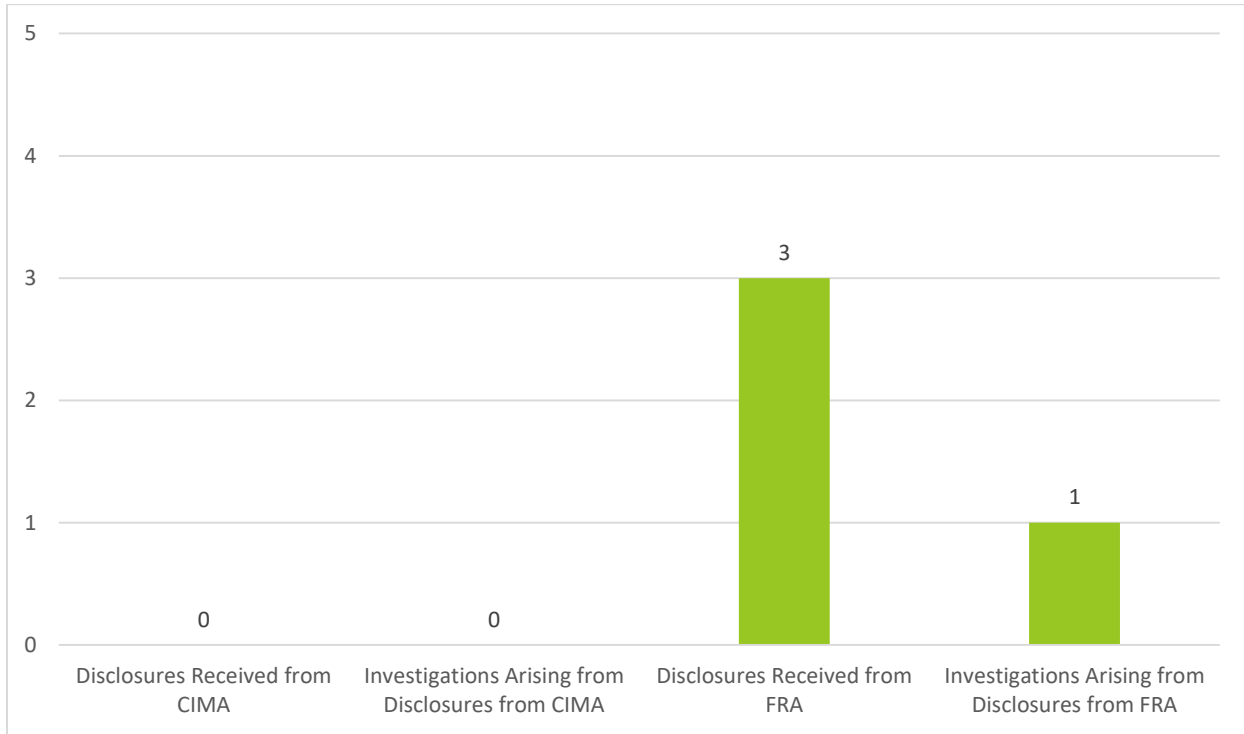


*Interviews conducted = 2 suspects, 108 witnesses

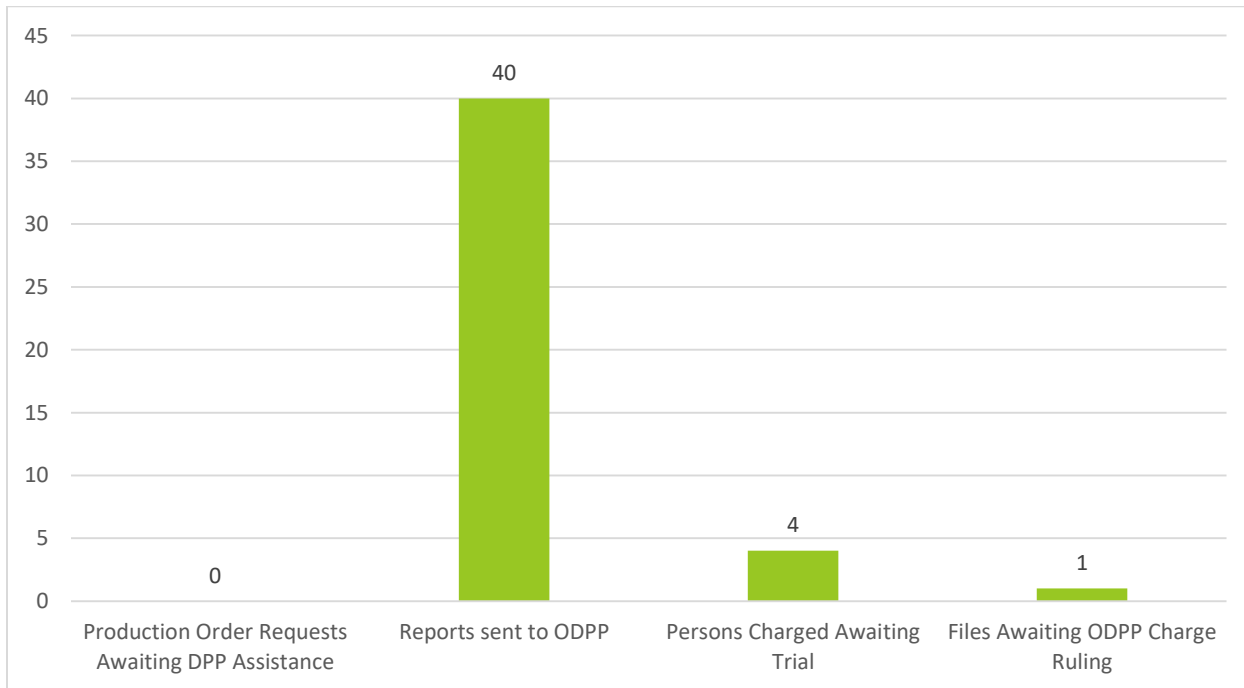
Arrests, Charges and Convictions 2023 - 2024



Interactions with Local Entities 2023-2024



Interactions with the Office of the Director of Public Prosecutions 2023 – 2024



Section 4(2)(f) of the Anti-Corruption Act requires the ACC to collect, compile and annually publish ... statistical information relating to (i) disclosures made to it concerning proceeds or suspected proceeds of corruption offenses; (ii) any onward disclosures of such financial information by it.

In compliance with that section, the following information is published relating to disclosures for the Reporting Period:

- the ACC received three disclosures concerning proceeds or suspected proceeds of corruption offences; and
- the ACC made no onward disclosures.

While these mandated statistics provide a useful annual snapshot of the Commission's activities, they do not fully reflect the extensive efforts undertaken by the ACC's team of investigative officers to time-consuming, often complex, investigations, and that their efforts consistently exceed what can be captured in numerical data.

***Amendment to Methodology: prior to the 2020-2021 Annual Report the methodology for calculating the number of "reports sent to the ODPP" was based solely on the number of requests for charge rulings or requests for legal advice, usually at the conclusion of the collection of evidence both for and against the subject of the investigation. However, this figure was not representative of the amount of work required by ODPP in support of the ruling file, mostly during the preparation and presentation for a Grand Court trial. This methodology was therefore adjusted in the 2020-2021 Annual Report going forward to take these factors into account.

Section Five – Topical Issues

5.1 Legislation

Various amendments to the Act, as contained in the previously reported Anti-Corruption (Amendment) Bill, were duly enacted and came into effect in February 2024.

Other new and further amendments are under active consideration, and the Commission continues to consider proposing additional amendments to the Act as and when necessary or desirable.

All amendments to date of the Anti-Corruption Act have recently been incorporated into a consolidated statute, the Anti-Corruption Act (2024 Revision), available online.

5.2 Commission Membership

Particulars of the 2023-2024 membership are set forth in Appendix 1. The current Chairman is Charles Jennings, appointed on July 1st 2024.

The Chairman for the entire Reporting Period was Adrian (Gus) Pope.

5.3 Financial Action Task Force (“FATF”) Related Updates

The Chairman continues to attend meetings of the Cayman Islands Anti-Money Laundering Steering Group (“AMLSG”); and the SIO and other investigators continue to attend FATF-related meetings, both in the Cayman Islands and overseas as required.

The SIO, an ACC investigator and other representatives from the Cayman Islands met with the FATF International Co-operation Review Group during their on-site inspection of the Cayman Islands in September 2023, and the ACC’s efforts were recognised when the Cayman Islands was removed from the “grey list”; a noteworthy accomplishment.

At a meeting of the AMLSG held in January 2024, a topic of discussion was how to ensure the Cayman Islands manages to stay off the “grey list”. The next assessment is due to take place in 2026-2027, so this topic is still very much current. The ACC will engage both domestically and internationally to assist the jurisdiction’s efforts in this space. Future FATF criteria will need to be anticipated and preparations made well in advance of the assessment.

5.4 Memoranda of Understanding (“MOUs”)

During the Reporting Period a new MOU was agreed with the Commission for Standards in Public Life (“CSPL”). The related functions of both commissions necessitated information-sharing and the agreement aims to avoid duplication of efforts. Efforts to secure another MOU with HM Cayman Islands Prison Service are still ongoing.

5.5 Training and Development

Regular staff training and development initiatives are explored and implemented to further enhance the work of the ACC.

An ACC investigator attended the INTERPOL National Crime Agency (NCA) Conference in Singapore, which hosted various Associated Member Scheme delegates. The challenges facing individual jurisdictions were highlighted, as well as potential training and future workshop opportunities. In particular, the opportunity for smaller jurisdictions to collaborate by forming their own sub-committee was discussed.

In February 2024 there was an International Monetary Fund training course on confronting corruption, which the SIO attended.

Mr Jennings attended the CARICOMS-IMPACS online meeting in March 2024 and provided an overview to Members of the discussions regarding the use of consultancy and recommendations for best practice.

5.6 Official Meetings

During the Reporting Period, the then Chairman and/or Members held meetings, as and when appropriate, with various officials to discuss matters of mutual interest. These included meetings with H.E. the Governor, the DPP and others.

The ACC was also formally accepted as an Overseas Territory member of the GlobE Network. There will be a face-to-face meeting in China in October 2024, which all GlobE members are invited to attend.

5.7 The Jakarta Principles

The Jakarta Principles were adopted following a conference of international anti-corruption agencies in 2012. The more detailed Colombo Commentary was adopted following a further such conference in 2018.

These UN-supported documents arise from the desire of the Conference of the States Parties to the UN Convention Against Corruption to provide guidance on the implementation of the aspects of that Convention that relate to the establishment and operation of national anti-corruption agencies (“ACAs”). Accordingly, they set out what are regarded by the international community as best practices for the organisation and operation of ACAs such as, in the case of the Cayman Islands, the ACC. ACAs are encouraged to assess themselves against the Jakarta Principles to determine the extent to which they comply with them.

The sixteen “Principles” are listed in Appendix 3 to this report.

The ACC has been considering for some time whether anti-corruption efforts in the Cayman Islands could be better structured and more closely aligned with the Jakarta Principles. Steps have been taken to raise awareness with key stakeholders, including HE the Governor, and the ACC is continuing this work in the current reporting period.

5.8 Educational Outreach and Presentations

The Jakarta Principles and Colombo Commentary recommend that ACAs such as the Commission are given statutory mandates, among other things, to educate the public on anti-corruption and the Commission's role in it. However, the current Cayman Islands statutory mandate of the ACC is effectively limited to detection and investigation and there is no express mandate to tackle corruption through prevention, education and awareness training.

The Commission believes in the value of education and awareness training. However, in the absence of a clear Cayman Islands statutory mandate and the necessary resources, concrete actions will remain, as they have been over the life of the ACC, *ad hoc* and sporadic (and, occasionally even subject to pushback by public officials who may argue that, in the absence of an express statutory mandate, the ACC has no business engaging in such activities).

Informal education outreach steps initiated or undertaken during the Reporting Period were as follows:

- Plans were begun (i) to schedule a presentation to private sector compliance officers to assist them in identifying corruption, and (ii) to produce an online presentation to Government employees to heighten awareness of the ACC, its functions and relevant laws.
- Mr. Pope participated in a seminar attended by representatives of the Cayman Islands Institute of Professional Accountants (CIIPA), following which the ACC were invited to take part in a CIIPA training event. Preliminary discussions have taken place with the aim of assisting CIIPA members to identify common trends and typologies at an early stage, thereby improving the reporting of suspected corruption offences.
- The SIO was a presenter at the Chamber of Commerce's "Leadership Cayman" Programme, a programme aimed at future leaders. The presentation centred on the mandate and importance of the ACC and was well received.

5.9 Commission Structure, Staffing and Resources

The ACC does not have its own dedicated administrative staff. Instead, the Commissions Secretariat (the "Secretariat"), which is part of the Portfolio of the Civil Service ("PoCS"), is charged with providing administrative support to six different commissions, of which the ACC is but one.

Historically, save for the investigators (who are themselves technically part of the Secretariat, not the ACC), individual Secretariat staff were not assigned exclusively to a specific commission or Commissions.

During the Reporting Period, PoCS undertook a review of the structure and functions of the Secretariat. As a result, several changes have been implemented. For example, the Secretariat has recruited a new Manager, Deputy Manager, Administrator/Analyst and two investigative staff. Moreover, various changes have been made to the way in which work is organised within the Secretariat. Notably, administrative staff are now assigned to specific Commissions, enabling them to familiarise themselves better with relevant processes and accumulate knowledge over time.

Additionally, quarterly meetings have been established with all of the commissions' Chairs, creating a forum to discuss any structural and strategic issues.

In last year's report, it was commented that the day-to-day administration of the affairs of the Commission had not been without its challenges during the period of that report. Reasons included resource constraints and structural issues. It was pointed out that Secretariat Staff turnover, understaffing, a lack of clear processes to capture institutional knowledge, and sometimes a seeming lack of a sense of urgency from other government departments whose administrative assistance may be required, all contribute to a less than optimum outcome.

As a result of the reorganisation, during the Reporting Period things have improved significantly. Staff turnover has reduced and with the arrival of new Staff members, the Secretariat's level of service and responsiveness are now exemplary. There may still be difficulties with the responsiveness of other departments within the public sector to requests made by or on behalf of the Commission, but at Secretariat level the Commission enjoys swift and effective support.

That is not to say, however, that the structure of the Commission needs no further review. In essence "the ACC" comprises not one but three distinct groups of people, all of whom may loosely be considered part of it.

First, there are the Members of the Commission, who are part-time volunteers. Secondly, there are the investigators, who are full-time seasoned professionals. And finally there is the Secretariat, which operates as described above.

The ACC does not employ the investigators (who are technically part of the Secretariat, as also mentioned above), nor the administrative staff of the Secretariat who may work on ACC matters. Accordingly, from an employment perspective, the Members of the Commission have no formal control over or input into the appointment of investigators or administrative staff and do not

supervise them. They are ultimately supervised, from an employment perspective, within the hierarchy of PoCS.

Equally, the ACC does not have its own budget. The Secretariat as a whole has a budget, albeit one which includes a separate and distinct provision for the ACC investigators, but the ACC itself and its Members have no meaningful involvement in the establishment of the budget.

Three of the Jakarta Principles which are relevant here are those relating to “Authority over Human Resources”, “Adequate and Reliable Resources” and “Financial Autonomy”, all of which will require consideration in due course because it is arguable that the ACC does not enjoy the level of independence expected by them.

In the long term, consideration should also be given to whether a different (and better) legal and operational structure needs to be found for the ACC in light of some of the issues highlighted in this report. Arguably the ACC (perhaps in combination with the Standards in Public Life Commission) should (in a manner more akin to the Office of the Ombudsman) become a stand-alone entity with its own premises, budget and employees.

Equally, there may be a strong argument for such a body being run, (on a day-to-day basis), by a full-time executive director with significant relevant experience in the anti-corruption field. That individual could give focus and appropriate supervision of and direction to employees. He or she could also take responsibility for, and drive forward the implementation of, projects and new ideas in a more sustained and thorough manner than is possible within the current system of only being able to rely on the good intentions and understandably finite efforts of part-time volunteer Members who are rotated into and out of the ACC within a comparatively short period and are supported by administrative staff some of whom are themselves dedicated to the ACC only on a part-time basis.

Section Six – Moving Forward

During the current reporting period, the Commission will continue to:

- a. process reports/complaints and carry through investigations to their conclusion;
- b. support the fulfilment of the CFATF recommendations;
- c. support all efforts by the Cayman Islands Government to keep the Cayman Islands off the FATF’s “grey list”.
- d. analyse, and work towards alignment with, the Jakarta Principles (insofar as appropriate a jurisdiction of this size);
- e. seek to enhance the independence and support of the Commission;
- f. explore ways to deliver more public education about corruption with a view to its prevention;
- g. seek to enhance its working relationships with other relevant commissions and government agencies; and
- h. promote further legislation to assist it in its fight against corruption.

Dated this 20th day of September 2024.



Charles Jennings (Chairman)



Adrian Pope
(Chairman throughout the Reporting Period)



Simon Whicker



Kendra Foster



Laurence Aiolfi



Romeo Frederick



Elisabeth Lees

Appendix 1 – Members of the Commission

The following persons are the current Members of the Commission at the date of submission of this Annual Report and are the signatories thereof. Where they have served for less than the entire Reporting Period, this is noted:

Charles Jennings (Member since August 2022 and Chairman since July 1st 2024)

Laurence Aiolfi (Member since August 2022)

Kendra Foster (Member since August 2022)

Romeo Frederick (Member since August 2022)

Simon Whicker (Member since August 2020)

Elisabeth Lees (Member since July 1st 2024)

Former Chairman

Adrian (Gus) Pope (Chairman from August 2022 to June 30th 2024)

(added as a signatory for the reason set out in the Chairman's statement)

Appendix 2 – Offences under the Act

Bribery of public officers and members of Parliament

10. (1) A public officer or a member of Parliament who directly or indirectly-
- (a) solicits;
 - (b) accepts or obtains; or
 - (c) agrees to accept or obtain, for himself or any other person, any loan, reward, advantage or other benefit with intent-
 - (d) to interfere with the administration of justice;
 - (e) to procure or facilitate the commission of an offence; or
 - (f) to protect from detection or punishment a person who has committed or who intends to commit an offence, commits an offence.
- (2) Any person who gives or offers to a public officer or to a member of Parliament any loan, reward, advantage or other benefit, with intent that the public officer should do anything mentioned in subsection (1)(d),(e), or (f) commits an offence.
- (3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of fourteen years.

Frauds on the Government

11. (1) A person commits an offence where-
- (a) directly or indirectly-
 - (i) he gives, offers or agrees to give or offer to-
 - (A) a public officer;
 - (B) a member of Parliament;
 - (C) a member of the family of a public officer;
 - (D) a member of the family of a member of Parliament; or
 - (E) any person for the benefit of a public officer, a member of Parliament or another person; or
 - (ii) being a public officer or a member of Parliament, he demands, accepts or offers or agrees to accept from any other person for himself or another person, a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with-
 - (A) the transaction of business with or any matter or business relating to the Government; or
 - (B) a claim against the Government or any benefit that the Government is authorised or is entitled to bestow, whether or not, in fact, the public officer or member of Parliament is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;
 - (b) having dealings of any kind with the Government, he pays a commission or reward to or confers an advantage or benefit of any kind on a member of Parliament or a public

officer of a government entity with which he deals, or to any member of the family of a member of Parliament or a public officer, or to any one for the benefit of the member of Parliament or the public officer, with respect to those dealings, unless he has the consent in writing of the chief officer of the government entity with which he deals, the proof of which lies on him;

- (c) being a public officer or a member of Parliament, he demands, accepts or offers or agrees to accept from a person who has dealings with the Government a loan, reward, advantage or other benefit directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the chief officer of the government entity that employs him or of which he is an official, the proof of which lies on him;
- (d) having or pretending to have influence with the Government, with a member of Parliament or a public officer, he demands, accepts or offers or agrees to accept for himself or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with-
 - (i) anything mentioned in paragraph (a)(iii) or (iv); or
 - (ii) the appointment of any person, including himself, to an office;
- (e) he gives, offers or agrees to give or offer to a member of the Legislative Assembly or a public officer a loan, reward, advantage or other benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with-
 - (i) anything mentioned in paragraph (a)(iii) or (iv); or
 - (ii) the appointment of any person, including himself, to an office; or
- (f) having made a tender to obtain a contract with the Government-
 - (i) he gives, offers or agrees to give or offer to another person who has made a tender or to a member of that person's family, or to another person for the benefit of that person, a reward, advantage or other benefit as consideration for the withdrawal of the tender of that person; or
 - (ii) he demands, accepts or offers or agrees to accept from another person who has made a tender a loan, reward, advantage or other benefit as consideration for the withdrawal of his tender.

(2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

Contractor subscribing to election fund

12. (1) A person who, in order to obtain or retain a contract with the Government, or as a term of any such contract, whether express or implied, directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit-

- (a) for the purpose of promoting the election of a candidate or a class or party of

candidates to Parliament; or

(b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in Parliament, commits an offence.

(2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

Breach of trust by public officer or by a member of Parliament

13. A public officer or a member of Parliament who, in connection with the duties of his office, commits fraud or a breach of trust is liable on conviction on indictment to imprisonment for a term of five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

Selling or purchasing office

14. A person who-

(a) purports to sell or agrees to sell an appointment to or a resignation from a public office, or a consent to any such appointment or resignation, or receives or agrees to receive a reward or profit from the purported sale thereof; or

(b) purports to purchase or gives a loan, reward, advantage or other benefit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so, commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

Influencing or negotiating appointments or dealing in offices

15. A person who-

(a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a loan, reward, advantage or other benefit as consideration for cooperation, assistance or exercise of influence to secure the appointment of any other person to a public office;

(b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from a public office, in expectation of a direct or indirect loan, reward, advantage or other benefit; or

(c) keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to-

(i) the filling of vacancies in public offices;

(ii) the sale or purchase of public offices; or

(iii) appointments to or resignations from public offices, commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

False claims by public officers

16. A public officer who-

- (a) is employed in such a capacity as to require him or enable him to furnish returns or statements relating to any sum payable or claimed to be payable to himself or to any other person, or relating to any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person; and
- (b) makes a return or statement relating to any such matter which is, to his knowledge, false in any material particular, commits an offence.

Abuse of office

17. (1) A public officer or a member of Parliament who intentionally does, or directs to be done, in abuse of the authority of his or her office, any arbitrary act prejudicial to the rights of another person commits an offence and is liable on conviction on indictment to imprisonment for a term of four years.

(2) If a public officer or a member of the Parliament intentionally does, or directs to be done, the act under subsection (1) for the purposes of a loan, reward, advantage or other benefit, the public officer or the member of Parliament commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

False certificates by public officers or by members of Parliament

18. A public officer or a member of Parliament who is authorised or required by law to give any certificate relating to any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular, commits an offence.

Conflicts of interests

19. (1) Where a government entity proposes to deal with a company, partnership or other undertaking in which -

- (a) a public officer of the entity;
- (b) a member of Parliament; or
- (c) a member of the family, or an associate, of any person specified in paragraphs (a) or (b), has a direct, indirect or beneficial interest in such company, partnership or undertaking; or
- (d) any person specified in paragraphs (a), (b) or (c) holds more than ten per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking, the public officer or the member of the Legislative Assembly shall forthwith disclose, in writing, to that government entity, the nature of such interest.

(2) Where in relation to a government entity -

- (a) a public officer of the entity;
- (b) a member of Parliament; or
- (c) a member of the family, or an associate, of either the public officer or the member of

Parliament, has a personal interest in a decision which the government entity is to take, that public officer or member of Parliament shall forthwith disclose, in writing, to the government entity, the nature of that personal interest.

- (3) A public officer or member of Parliament who fails to disclose an interest in accordance with subsection (1) or (2) and who votes or otherwise takes part in proceedings or decisions of the government entity relating to such interest commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

Duty of a public officer and member of Parliament to whom a bribe is offered etc.

20. (1) A public officer or a member of Parliament to whom any loan, reward, advantage or other benefit is given, promised, or offered, in contravention of any provision of this Act shall, at the earliest opportunity thereafter, report to the Commission such loan, reward, advantage or other benefit together with the name, if known, of the person who gave, promised or offered such loan, reward, advantage or other benefit to him.
 - (2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years or to both.
 - (3) A person from whom any loan, reward, advantage or other benefit has been solicited or obtained, or an attempt has been made to obtain such loan, reward, advantage or other benefit, in contravention of any provision of this Act shall, at the earliest opportunity thereafter, report such soliciting or obtaining of, or attempt to obtain, the loan, reward, advantage or other benefit together with the full and true description and, if known, the name of the person who solicited, or obtained, or attempted to obtain, the loan, reward, advantage or other benefit from him to the Commission.
 - (4) A person who fails, without reasonable excuse, to comply with subsection (3) commits an offence and is liable on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both.
 - (5) A public officer or a member of Parliament who has reasonable cause to believe that another public officer or a member of Parliament has-
 - (a) solicited;
 - (b) accepted or obtained; or
 - (c) agreed to accept or obtain;any loan, reward, advantage or other benefit in contravention of any provision of this Act, shall, at the earliest opportunity thereafter, report such belief to the Commission and shall provide the name, if known, of the person who gave, promised or offered such loan, reward, advantage or other benefit to the public officer or the member of the Legislative Assembly.
 - (6) A person who fails, without reasonable excuse, to comply with subsection (5) commits an offence and is liable on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both.
 - (7) A person who commits an act of victimisation against a person who has made a disclosure
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under subsection (1), (3) or (5) commits an offence and is liable on summary conviction to imprisonment for a term of two years.

(8) In this section, “victimisation” means an act-

- (a) which causes injury, damage or loss;
- (b) of intimidation or harassment;
- (c) of discrimination, disadvantage or adverse treatment in relation to a person’s employment; or
- (d) amounting to threats of reprisals.

Secret commissions

21. (1) A person commits an offence who-

- (a) gives, offers or agrees to give or offer to an agent any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of his principal; or
- (b) being an agent, demands, accepts or offers or agrees to accept from any person any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of his principal; or
- (c) with intent to deceive a principal, gives to an agent of that principal, or, being an agent, uses with intent to deceive his principal, a receipt, an account or other writing-
 - (i) in which the principal has an interest;
 - (ii) that contains any statement that is false or erroneous or defective in any material particular; and
 - (iii) that is intended to mislead the principal.

(2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of five years.

Bribing a foreign public officer

22. (1) Subject to sections 23 and 24, a person who, in order to obtain or retain an advantage in the course of business, directly or indirectly promises, gives, offers or agrees to give or offer a loan, reward, advantage, or benefit of any kind to a foreign public officer for his benefit or for the benefit of another person or to any person for the benefit of a foreign public officer-

- (a) as consideration for an act or omission by the foreign public officer in connection with the performance of the officer’s duties or functions; or
- (b) to induce the foreign public officer to use his position to influence any acts or decisions of the foreign country or public international organisation for which the officer performs duties or functions, commits an offence.

- (2) A person who contravenes subsection (1) is liable on conviction on indictment to imprisonment for a term of fourteen years.
- (3) Where it appears to the Director of Public Prosecutions that any person to which this section applies, or an officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice which contravenes subsection (1), the Director of Public Prosecutions may, in his discretion, apply to the Grand Court for an order to enjoin such act or practice, and the court may, if it is satisfied upon the evidence, that such person is so engaged or is about to be so engaged as alleged, order a permanent injunction or a temporary restraining order without requiring a bond.

Savings provision relating to section 22

23. A person has not committed an offence under section 22 if the loan, reward, advantage or other benefit-
- (a) is permitted or required under the laws of the foreign country or public international organisation for which the foreign public officer performs duties or functions; or
 - (b) was made to pay the reasonable expenses incurred in good faith by or on behalf of the foreign public officer that are directly related to-
 - (i) the promotion, demonstration or explanation of the person's products and services; or
 - (ii) the execution or performance of a contract between the person and the foreign country for which the officer performs duties or functions.

Facilitation payments

24. (1) For the purpose of section 22, a payment is not a loan, reward, advantage or other benefit to obtain or retain an advantage in the course of business, if -
- (a) the value of the payment is small;
 - (b) it is made to expedite or secure the performance by a foreign public officer of any act of a routine nature that is part of the foreign public officer's duties or functions, including-
 - (i) the issuance of a permit, licence or other document to qualify a person to do business;
 - (ii) the processing of official documents, such as visas and work permits;
 - (iii) the provision of services normally offered to the public, such as mail pick-up and delivery, telecommunication services and power and water supply; and
 - (iv) the provision of services normally provided as required, such as police protection, loading and unloading of cargo, the protection of perishable products or commodities from deterioration or the scheduling of inspections related to contract performance or transit of goods; and
 - (c) as soon as practicable after the payment and the act of a routine nature performed by the foreign public officer occurred, the person made a record of the payment and the

act and either the following applies-

- (i) the person has retained that record at all relevant times; or
 - (ii) that record has been lost or destroyed because of the actions of another person over whom the first-mentioned person had no control, or because of a non-human act or event over which the first-mentioned person had no control, and the first-mentioned person could not reasonably be expected to have guarded against the bringing about of that loss or that destruction.
- (2) For the purposes of this Act, an “act of a routine nature” does not include a decision to award new business or to continue business with a particular party, including a decision on the terms of that business, or encouraging another person to make any such decision.
- (3) A report under this section shall set out-
- (a) the value of the payment concerned;
 - (b) particulars of the act of a routine nature that was sought to be expedited or secured by the payment;
 - (c) the date or dates on which the payment was made and on which the act of a routine nature occurred;
 - (d) the identity of the relevant foreign public official; and
 - (e) the signature of the person who has made the report or some other means of verifying the person's identity.

False statements to the Commission

25. (1) Where a person makes or causes any other person to make to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, any statement which to the knowledge of the person making the statement, or causing the statement to be made-
- (a) is false or intended to mislead; or
 - (b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement regardless whether or not the person making the statement is under any legal or other obligation to tell the truth, he commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of three years or to both.
- (2) Where a person, who has made a statement to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, subsequently thereto makes any other statement to any person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement, regardless of whether or not the person making the statement is under a legal or other obligation to tell the truth that person, if such other statement-
- (a) is inconsistent with any statement previously made to the Commission or to an investigating; and

- (b) is made wilfully, he commits an offence and is liable on conviction to a fine of one thousand dollars or to imprisonment for a term of three months or to both.
- (3) For the avoidance of doubt, it is declared that for the purposes of subsection (1)(b) and subsection (2), any statement made in the course of any legal proceedings before any court, whether civil or criminal, or any statement made by any person in the course of any disciplinary proceedings, whether such legal proceedings or disciplinary proceedings are against the person making the statement or against any other person, shall be deemed to be a statement made to a person having authority or power under law to receive the statement so made.

Note: some of these offences can be committed only by a public officer or a Member of Parliament while others can be committed by any member of the public.

Appendix 3 - The Jakarta Principles

- **MANDATE:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness raising, investigation and prosecution, either through one agency or multiple coordinated agencies;
 - **COLLABORATION:** ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;
 - **PERMANENCE:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity of the ACA;
 - **APPOINTMENT:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;
 - **CONTINUITY:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official in the ACA within a reasonable period of time until the appointment of the new ACA head;
 - **REMOVAL:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);
 - **ETHICAL CONDUCT:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
 - **IMMUNITY:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings;
 - **REMUNERATION:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;
 - **AUTHORITY OVER HUMAN RESOURCES:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;
 - **ADEQUATE AND RELIABLE RESOURCES:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. ACAs shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the ACA's operations and fulfillment of the ACA's mandate;
 - **FINANCIAL AUTONOMY:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;
 - **INTERNAL ACCOUNTABILITY:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by ACAs;
 - **EXTERNAL ACCOUNTABILITY:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;
 - **PUBLIC REPORTING:** ACAs shall formally report at least annually on their activities to the public;
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- **PUBLIC COMMUNICATION AND ENGAGEMENT:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness.